

Congress of the United States
House of Representatives
Washington, DC 20515-0305

January 5, 2018

Re: Comments on Clean Power Plan Repeal

I commend President Trump and his administration for proposing to repeal the Clean Power Plan (CPP). This action is another example of the President staying true to his promise to revive America's energy independence.

The Obama Administration's Environmental Protection Agency (EPA) claimed authority under Section 111(d) of the Clean Air Act (CAA) to issue the CPP in 2015. Under the rule, states would be required to implement a plan to reduce greenhouse gas emissions from power plants by 30 percent before 2030. States who do not comply with the rule would be subject to the EPA's Federal Implementation Plan (FIP), which could be implemented with no input from the state.

While a reduction in greenhouse gas emissions sounds positive, it is obvious the CPP was not truly about emissions reduction – carbon emissions have already dropped 10 percent since 2005 due to natural market changes rather than government interference. Instead, it was proposed as part of the Obama Administration's war against coal. Administration officials justified the rule by claiming it was their "moral obligation." For numerous reasons, this rule should be fully repealed.

First, the EPA has no constitutional authority to impose this rule, and the authority claimed under Section 111 of the Clean Air Act is questionable at best. The rule is blatant attack on states' rights and yet another example of overregulation by unelected federal bureaucrats. It should come as no surprise that the U.S. Supreme Court halted implementation of the rule in 2016.

Second, Section 111(d) of the CAA prohibits the EPA from creating duplicative regulations on the same source of energy. However, the CPP creates regulations that are duplicative to those already issued under Section 112, which apply to coal-fired power plants, as well as the Cross State Air Pollution Rule, which requires states to reduce greenhouse gas emissions that contribute to pollution in other states. Coupling the Cross State Air Pollution Rule with the CPP will completely eliminate the energy production to power 45 million homes. Arizona depends on coal-fired power plants for part of its energy needs and would be negatively affected by this rule. Many of these plants are already employing emission reduction efforts to conduct an environmentally sustainable operation. The CPP would require additional cuts on energy production by these power plants, jeopardizing Arizona's energy supply.

Finally, the cost of the CPP is expected be outrageous. The U.S. Chamber of Commerce and the National Economic Research Associates estimate that the rule would cost the economy more than \$50 billion a year and would lead to significantly higher energy prices for American families. These regulations place a substantial cost on energy producers with the consumers

seeing little net benefit. The CPP simply harms America's economic growth, and provides uncertainty for Arizona's energy consumers.

For these reasons, I support full repeal of the Clean Power Plan.

Sincerely,



Andy Biggs
Member of Congress